

**EGGS**

**20624. Adulteration of frozen egg yolks. U. S. v. Oliver G. Harp. Plea of guilty. Fine, \$1,000. (F. D. C. No. 34352. Sample No. 38020-L.)**

**INDICTMENT RETURNED:** October 7, 1953, Western District of Oklahoma, against Oliver G. Harp, Shawnee, Okla.

**ALLEGED SHIPMENT:** On or about December 7, 1951, from the State of Oklahoma into the State of New York.

**LABEL, IN PART:** "Frozen Egg Yolks 30 Lbs. Net Weight Packed by Harp Foods Mfg. Co. Shawnee, Okla."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** The defendant filed motions to dismiss the indictment and to strike certain allegations therefrom and for a bill of particulars, and, on November 13, 1953, these motions were overruled. The defendant entered a plea of guilty, and on November 16, 1953, the court fined him \$1,000.

**20625. Adulteration of frozen eggs. U. S. v. 125 Cans, etc. (F. D. C. No. 35388. Sample Nos. 52726-L, 52727-L.)**

**LIBEL FILED:** August 17, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 27, 1953, by C. E. Clarke & Sons, from Bloomsburg, Pa.

**PRODUCT:** 135 30-pound cans of frozen eggs at Brooklyn, N. Y.

**LABEL, IN PART:** (Can) "C. E. Clarke & Sons, Bloomsburg, Pa. Frozen Whole Eggs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs, and a portion of the article consisted in whole or in part of a filthy substance by reason of the presence of flies and fly parts.

**DISPOSITION:** October 16, 1953. Default decree of condemnation and destruction.

**FISH AND SHELLFISH**

**20626. Adulteration of canned jack mackerel. U. S. v. 748 Cases \* \* \* (and 5 other seizure actions). (F. D. C. Nos. 34776, 34994, 34999, 35041, 35082, 35093. Sample Nos. 39513-L, 47624-L, 47625-L, 62287-L, 62290-L, 62575-L, 62578-L.)**

**LIBELS FILED:** March 26 and July 2, 1953, Western District of Tennessee, Southern District of Mississippi, and Eastern District of Arkansas.

**ALLEGED SHIPMENT:** Between the approximate dates of January 23 and April 1, 1953, by Pan-Pacific Fisheries, Inc., from Terminal Island, Calif., and Memphis, Tenn.

**PRODUCT:** 3,400 cases, each containing 48 cans, of jack mackerel at Memphis, Tenn., Jackson, Miss., and Jonesboro and Earle, Ark.

**LABEL, IN PART:** (Can) "Sweep Stakes Brand California Jack Mackerel \* \* \* Contents 15 Oz. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** Pan-Pacific Fisheries, Inc., appeared as claimant and upon the basis of a motion made by it, an order was entered providing for consolidation and removal of the libel actions for trial in the District of Nevada.

On November 30, 1953, the Government and the claimant having agreed that 7 codes of the product under seizure were adulterated, that 11 codes of the product were not adulterated, and that there may be added codes of the product which may or may not be adulterated, and the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 1,660 cases were found to be unfit and were disposed of for use as bait and trout food.

**20627. Adulteration and misbranding of canned salmon. U. S. v. 11 Cases \* \* \*.**  
(F. D. C. No. 35360. Sample No. 59296-L.)

**LIBEL FILED:** July 20, 1953, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about March 12, 1953, by Hamlin-Halferty Seafoods, from Seattle, Wash.

**PRODUCT:** 11 cases, each containing 48 1-pound cans, of salmon at Charlotte, N. C.

**LABEL, IN PART:** (Can) "Ocean Tang Brand Pink Salmon."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), chum salmon had been substituted in whole or in part for pink salmon, which the article was represented to be.

Misbranding, Section 403 (a), the label designation "Pink Salmon" was false and misleading as applied to chum salmon.

**DISPOSITION:** October 13, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for consumption by the inmates.

**20628. Misbranding of canned tuna. U. S. v. 89 Cases \* \* \*.** (F. D. C. No. 35367. Sample No. 64631-L.)

**LIBEL FILED:** July 27, 1953, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 7, 1953, by Whitney & Co., from Seattle, Wash.

**PRODUCT:** 89 cases, each containing 48 cans, of tuna at Boston, Mass.

**LABEL, IN PART:** (Can) "Mrs. Lane's Tuna Meat White Meat Chunks & Flakes Salt Added Contents 7 Oz. Avoir."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

**DISPOSITION:** September 18, 1953. The J. R. Poole Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.